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H – 1067

International Court of Justice

H1067-0002

COM-A Kubitz

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Take 1, Page 1
2 July 46

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

2 July 1946

COMMISSIONER:

M. Martin-Havad ARMAND

THE S.S.

(The Commission convened at 1020 hours.)

HANS J. KUBITZ, a witness, took the stand and testified as follows:

DIRECT EXAMINATION

BY

M. MARTIN-HAVAD: You are reminded that you are still under oath.

BY DR. HOENSEL:

DR. HOENSEL: For the sake of the translation, counsel asks that the words Volksdeutsche Mittelstelle meaning "Office for the Repatriation and Welfare of Racial Germany" not be translated into English, but be used in the original form. Counsel further states that the translation used so far, namely, "Office for Racial Germans", is incorrect. Counsel wants to suggest that the word be translated as "Agency for Funds of Racial Minorities".

M. MARTIN-HAVAD: It is not within my power to judge what it is.

MR. ELWYN JONES: I have no objection to the continued use of the phrase "Volksdeutsche Mittelstelle".

M. MARTIN-HAVAD: Then we will proceed with the examination.

BY

H1067 - 0003

DIRECT EXAMINATION

BY DR. HOENSEL:

Q In the trial brief and in the Prosecution's speech in regard to the SS, it has been claimed that the Volksdeutsche Mittelstelle had a hand in the evacuation of Lorrainians. Is that correct?

A I already testified yesterday that the work of the Volksdeutsche Mittelstelle consisted of repatriation and resettlement of racial Germans in conjunction with the strengthening of Germanism, and I also said that neither the SS nor the Volksdeutsche Mittelstelle had anything to do with the evacuation of Alsatians and Lorrainians because they were not Germans. Alsace and Lorraine were administered by the so-called Chief of Civil Administration, which corresponded to the Gauleiters in Alsace de Buerbel.

I only learned, from a leader of the German Women's Association, that Buerbel was carrying out evacuation work in Lorraine. My office then handed over this material to the Office for the Strengthening of Germanism as being the competent office -- that is, the office under Himmler. A conference was held, as I later learned, in the middle of 1942, between Himmler and Buerbel. In this conference, Buerbel said that he was directly subordinate to the Fuehrer, and that Himmler did not have any right to interfere with his work as he was the Commissar for the Strengthening of Germanism.

Q Now, to another complex. The Russian Prosecutor has submitted a copious document which I have not had an occasion to see in its entirety, USSR Document 60. I only received short extracts and photostats of this copious document. In this document it again alleges what Rudenko alleges in his Prosecution on 9 February, 1946, that as early as 1932 Hitler was supposed to have brought about the resettlement of Czechoslovakia, Siberia and Bohemia, and made use of the SS to carry it out. What do you know of this?

7

H1067 - 0004

A I can say nothing about this. I can only say, that expressed in my terms, this is a very, very great exaggeration. In 1932 Hitler had not yet come into power, but at that time was still the leader of the German Opposition Movement. The Protectorate of Bohemia and Moravia was not established until 1938, to which organization this resettlement question referred, and this protectorate was established as a solution not by Hitler, but in a 4-powered conference. Aside from this, Siberia was in Russia in 1932, and Bohemia in Poland.

I cannot imagine that Hitler, who was at that time still trying to attain power in Germany would, at that time, make Poland, Czechoslovakia and Bohemia his enemies.

Q I don't want to refer to any of Hitler's objectives. We just want to refer to the SS.

A No, it just had something to do with this Volksdeutsche Mittelstelle.

Q According to the brial brief, the purpose of these measures seems to have been to bring hundreds of thousands of needy people, under the poorest conditions, to Germany. What was the condition of the camps that were under the Volksdeutsche Mittelstelle in Germany?

A Those Germans who had come to Germany by reason of state treaties that Germany had caused with other allied nations, especially Soviet Russia, were placed in camps in Germany. Their number is around 1,000,000 people. These people were resettled and taken out of their original territories. The resettlement took place at a time when, on the whole, there had been no definite plans as yet as to where they were going to be resettled or how. It was only an imaginary idea at that time that they would be settled somewhere in the East or in the Reich. With the settlement question itself, the Volksdeutsche Mittelstelle had nothing to do. The Volksdeutsche Mittelstelle concerned itself only with the transportation

H1067 - 0005

of these people and placing them into camps.

I can say, however, that the conditions and the general feeling in the camps were very bad because the people saw that they were not going to be resettled, but would have to remain in the camp for years probably. I know that only about 300,000 of these people were placed as trustees of property that had an equivalent value of their own former property. The remainder were placed, by reason of the German war efforts in industries and/still others had to work on the land.

Q That means that the Volksdeutsche Mittelstelle had little to do with making territories free where these people were going to be settled later on?

A We not only had little to do with it, we had nothing to do with it.

Q On the other hand you handled funds, for example, as an exchange. With the aid of which banks were you able to do this?

A I would first have to give a little explanation here. This was really the original sphere of work of the Volksdeutsche Mittelstelle, except, for example, in the European countries outside of Germany where the German minorities had formed themselves as an organization by reason of the Minorities Protectorate Treaties that had been made. These organizations were recognized in Hague and in Geneva, and these minority organizations were united under the organization of the Verband Deutscher Minontaeten.

Q Do you mean to say that handling questions of German minorities and any racial questions were not the work of the Volksdeutsche Mittelstelle?

A We had nothing to do with racial questions. The Volksdeutsche Mittelstelle was considered by us not from a biological viewpoint, but from a purely aesthetical viewpoint... These German organizations concerned themselves primarily with questions of cultural and religious matters, and they applied to all institutions, organizations, and individuals in Germany and abroad, in order to

H1067 - 0006

gather funds xxx to pursue their activities in the cultural and religious questions. There were connections especially from the Southeastern states to the Southeastern organizations in Austria; in the Protestant circles there were further connections to the Gustaf-Adolph xxxxxx organization and also to the Volksdeutsche Mittelstelle; and as far as the Catholic circles were concerned, there were connections between the Catholic organizations xxx for Catholicism abroad; for the xxxxxxxxx industrialists, Mr. Topfer in Hamburg.. There were xxxxxxxxxx especially strong connections with him in the Southeastern states from the Eastern Polish people to the xxx Mennonites in America. These relations were the same as,for example, thePolish people abroad had to their country, or that the Czech minorities had to theirs. These relationships had existed for all these minorities since 1919, with theexception of the Sieben Buergen Saxonians, and with thex minorities in the xxxx Southeast that had existed since the beginning of the 19th century.

M. MARTIN-HAVAD:

xxxxxxxxxxxx The witness is making such a long speech about the history of xx German minorities and we would like to come back to the issues of it.

BY DR. HOENSEL:

Q Among other xxxxx things, General Rudenko said on 20 December 1945, that the High Command of the SS , the so-called Volksdeutsche xxxxx Mittelstelle was a center for the xxxxxxxx fifth column. Will you please tell us whether the Volksdeutsche xxx Mittelstelle carried out any National Socialist Propagand with the minorities, or gave any instructsion at all, xxxx especially as concerned political character?

A The sole task of the Volksdeutsche Mittelstelle was to control and check the funds that were sent from xxxxx this organization to the minorities xx and vice versa. The Volksdeutsche Mittelstelle had absolutely no setup that would enable it to give political instructions.

The policy of the Volksdeutsche Mittelstelle had always been not to carry on

H1067-0007

any National Socialist Propaganda within the minorities. It was even forbidden to send any pamphlets or books to the minorities concerning this question that could not be brought abroad. Members of German minorities could not participate in any ~~xxxxxxxxxxxxxxxx~~ arrests by the National Socialist Foreign Workers. They were not even allowed to book members of the Party or its affiliated organizations, not even if their place of residence was within Germany.

The organizations of these minorities were not allowed to have any names that were comparable to any other similar organizationsx in Germany. These members of German minorities were always likely to support the Governments of the countries in which they lived. They were not even allowed to become members of any so called pseudo organisation or to support them or they were not allowed to join for instance any such ~~x~~ organisations as the Iron Cross in Rumania , the ~~xxxx~~ Pfeil Kreuzler in Hungary and the Danish National Socialist Organisation ~~xx~~ in Denmark.

The sole task of the Volksdeutsche Mittelstelle was to see that funds were raised for minorities to further their pupposes in cultural and religious work. These funds were to be handed to these minorities through the Reichsbank or the different banks of the different cities. The national banks of the different cities always had the possibility of checking the purposes for which these funds were ~~xxxxxxx~~x required and for what purpose they were expended. If this exchange of funds was based on agreements between Germany and foreign cities, the foreign cities in their turn were able to send money to their minorities.

~~XX~~ M. MARTIN HAVARD.: The witness details his answers~~x~~ too much. All these ~~xxxx~~ details are not pertinent to the question.

BY DR. HOENSEL:

Q The Russian Prosecution alleged on the 9th of February that the

H1067 - 0008

Volksdeutsche Mittelstelle had employed wandering teachers and sent them to the minorities, especially Hitler Youth members, in order to carry on national socialist propaganda there.

A I can only say here that the Volksdeutsche Mittelstelle never carried on any propagande in the German racial Group. The Volksdeutsche Mittelstelle sent no instructors or Hitler Youth members to the minority groups. As far as the indictment of the wandering teachers is concerned I can only say that these were not teachers who wandered to Poland but this was an original Polish institution. In Poland there was only one school with trained teachers that tought the German language. There were as a consequence, insufficient numbers of teachers a nd therefore Poland had to endow and reinstate these teachers who went to teach in the different schools, and these teachers were called "wandering teachers".

Q I shall now hand you a document, USA 95, of which the American Prosecution maintains, that it proves that the Volksdeutsche Mittelstelle had a hand in the preparation of the occupation of the Czechoslovakian State because at a meeting in March, 1938, 2 SS Obergruppenfuehrers and Professor Haushofer were present as members of the Volksdeutsche Mittelstelle. My question to you now is, did they have anything to do with it?

A The Volksdeutsche Mittelstelle as an office had nothing to do with the settlement of the Sudeten question. SS Obergruppenfuehrer Lorenz who is named here as the representative of the Volksdeutsche Mittelstelle told me when he showed me a picture of himself and Henlein, that he had been appointed by Hitler as the special liason between Hitler and Frank and had been given a special mission by Hitler. Lorenz did not take along with him as assistant a member of the Volksdeutsche Mittelstelle but he did for this purpose,

H1067 - 0009

ask that an attache of the Foreign Office be given to him and that this man would be returned to the FOreign Office after this question had been settled. Professor Haushofer has never been a member of the Volksdeutsche Mittelstelle. In this respect the record is incorrect and in Lorenz's case it would have been more correct if the record had read as follows:

Lorenz, SS Obergruppenfuehrer , special envoy or delegate of Hitler, and not , Lorenz, SS Obergruppenfuehrer, Volksdeutsche Mittelstelle.

Moreover, this document is stamped Top Secret Matter, and I can only say that the 6 members of the Volksdeutsche Mittelstelle learned just as little as members of other offices.

Q I should now like to present two documents, USSR 268 and 270. In these documents , mention is made of Ward Price, the English journalist. Do you know whether Hitler instructed Lorenz to give Price an interview?

A May I just look at the document a minute. I know nothing of this. This is just what I said before, that Lorenz as the deputy or envoy of Hitler had nothing to do with this. The Fuehrer imagined an interview woth Ward Price. The Volksdeutsche Mittelstelle had nothing at all to do with this. It had no hand in it. Moreover, the document bears the stamp "Secret". I only remember that on the occasion of the Party Rally in 1938 I saw Hitler, Ward Price and Henlein sitting together with the British Ambassador at a table.

MR. ELWYN JONES: Mr. Commissioner, if the witness says he knows nothing about this, then it really is a waste of time that he should guess at the nature of the document.

BY DR. HOENSEL:

Q You must be quite definite in your answer. You must be quite careful in saying whether you know or don't know the answer, and if you don't know, you must answer in the negative. Now, did the Volksdeutsche Mittelstelle give money to Henlein?

H1067 - 0010

A No, the Volksdeutsche Mittelstelle had no budget.

Q Were any funds given to the Sudeten German Party through the channels of the Volksdeutsche Mittelstelle?

A I don't remember that any money was passed through the channels of the Volksdeutsche Mittelstelle. It may be possible, however, that after 1938, when Austria had been annexed to Germany, that funds were handed over through the Schulverein Sued-Mark and transferred by this organization.

Q Did the Volksdeutsche Mittelstell have anything to do with payments and funds, for example, received from the Foreign Office?

A I have already said that the Volksdeutsche Mittelstell was able only to transfer money abroad through the Reichsbank, not through the Foreign Office.

Q To what extent did the Volksdeutsche Mittelstelle receive any instructions from Himmler as the Reichsfuehrer SS?

A By reason of a powere given to Hess in 1936, the Volksdeutsche Mittelstelle had been founded as an organization directly subordinate to him. In 1937, the successor of the first director of the organization, Von Kursel, became SS Obergruppenfuehrer Lorenz. Lorenz was appointed by Hess because Lorenz was the Deputy of Ribbentrop in the Staff Ribbentrop. From there on Lorenz was directly subordinate to Hitler himself. By reason of this, Himmler could not be given any influence over Lorenz even if he had wanted to, because Lorenz was directly subordinate to Hitler.

In 1939 when the Reichs Commission for the strengthening of Germanism was founded, and Hitler became Reichs Commissioner, Himmler was able to make use of all state offices and organizations by reason of the Fuehrer decree of the 7th of October, 1939.

H1067 - 0011

M. MARTIN-HAVAD: Dr. Hoensel, I believe that a simple answer would suffice. You are going too far into detail.

BY DR. HOENSEL:

Q The Prosecution says that according to the National Socialist annual publication, the SS Fuehrer and SS men carried out the settlement work, and this, according to the publication, points to the fact that the SS and not the State became active within the scope of the Volksdeutsche Mittelstelle. The Prosecution is trying to burden the entire work of resettlement here on the SS. It was not, however, an SS task, but a state decree. Can you say anything concerning SS membership with the Racial Germans?

A As I have already stated, the Volksdeutsche Mittelstelle was divided into two distinct parts. The first directly subordinate to Hitler, and the second that only concerned itself and handled questions of funds and money for cultural and church purposes.

In 1936 the first sector had no SS members at all. They were solely Lorenz and the legal administrator that he brought along with him when he came to the Volksdeutsche Mittelstelle who were members of the SS. The remaining 6 were not in. At the end of 1938 they were given honorary SS ranks according to the position that they had in the Volksdeutsche Mittelstelle because they were members of the executive bodies of different inter-state organizations, and as such, would have to wear, on social occasions, their uniforms.

Q Will you please mention numbers, figures? How many of the employees were SS members?

A The other sector, the resettlement sector that was later called Main Office, Volksdeutsche Mittelstelle, had a members of around 14,000 people. Of these 14,000 people, 7,000 were women and members of the NSKK, the Nazi transportation organization.

H1067 - 0012

7,000 wore SS uniforms, but were not members of the SS. They had to wear uniforms because by reason of the resettlement agreement, the resettlement work was supposed to be carried out by personnel in uniforms. As the wearing of police or Army uniforms was impossible during the state of war, an agreement was reached with the Soviet Union that these commandos should wear SS uniforms. There were about 200 people who had been members of the SS who were called to do work in this Commission. Some of these people who had been given their UK rank in Germany, that is, essential to war industry and not available for service at the front, were drafted into the Waffen SS and placed on the staff of the Main Office of the Volksdeutsche Mittelstelle and thus made available. Including the 200 I already mentioned, this circle would comprise about 800 people.

Q What about the head of the organization with the different consultants? How many consultants and how many SS members?

A In 1936, I already said, there were known, in 1937, only Lorenz and his legal administrator. In 1938, the remaining 6 consultants were given honorary SS ranks and the gentlemen who came later into this sector were not given any rank at all. They were not even accepted as members of the Party.

Q My final question. Would you say then, that the Volksdeutsche Mittelstelle was active, or did its work within the scope of the Reichs Commissariat for the Strengthening of Germanism, considering that there were only few SS members?

A I should like to answer the question correctly, that the Volksdeutsche Mittelstelle is an organization concerning itself with certain spheres of work. For example, the transfer of funds for the culture and welfare of racial Germans, and that the office was not a part of an Hauptamt or a Main Office of the SS, but a Superior Reich Office and that, of the 14,000 members, only 800 members at the very most were SS members. Also, they carried out their work as members of an office

H1067 - 0013

within the scope of the authority of the State, and they were only connected with the resettlement when the authority of the State had been given.

The Volksdeutsche Mittelstelle had just as little to do with the SS where resettlement questions were concerned as the Luftwaffe had by reason of its personal connection with Goering under the 4-Years Plan that was under Goering's jurisdiction.

MR. ELWYN JONES: Mr. Commissioner, would it be convenient for you to grant a brief break for 15 minutes? I have a very important interview, but I shall be back in 15 minutes.

M. MARTIN-HAVARD: The Commission will recess for 20 minutes.

(A recess was taken.)

H1067 - 0014

CROSS EXAMINATION (Continued)

BY MR. ELWYN-JONES

Q Witness, as I understand it, the Volksdeutsche Mittelstelle was concerned with matters of religion and culture and was also a sort of accounting office for the transfer of funds to Germans abroad. Is that right?

A The Volksdeutsche Mittlestelle itself did not concern itself with religious or cultural questions. It was, however, through it that the transfer of money to the minorities was being carried out in a certain priority, that the important questions were given funds first and the less important in the right sequence and that the transfer of the money was properly carried out.

Q How many millions of marks did you transfer to German Minorities abroad for the work that you were encouraging between the years 1933 and 1934?

A I cannot give any information as to the years 1933 to the end of 1936 because at that time the VDMS was not as yet in existence. From the founding of VDMS until the outbreak of war in 1939 the estimate of the annual figure transferred by the VDMS to the German Racial Groups lay between two and three million marks annually. The annual payments were not always the same every year but depended to a great extent on the sum of money that a foreign state was in its turn willing to transfer to its minorities in Germany. It was a sort of mutual exchange business. It would probably be right to say that most of the money went to Poland and with Poland there was always an exchange of opinion, a checking, and a discussion concerning how many German schools were being established in Poland, or how many Polish schools in Germany, how many churches, how many organizations, and so on, and usually the two amounts balanced one another.

H1067 - 0015

Q You know that the German minorities in countries like Poland were one of the most sinister instruments of your Nazi Fifth Column technique, don't you?

A That is not known to me.

Q You don't know the activities of Henlein in Czechoslovakia for instance?

A I know that it was Henlein's duty to intercede for the members of his Party, which was the strongest Party, in the Czech State.

Q And you also know, of course, that Henlein deliberately set out to destroy the Czech State?

A I know that Henlein demanded for his party and his adherents autonomy and that in relation to this question of autonomy Lord Runciman asked that he define his policy more closely, that Henlein went to England for this sole purpose and discussed the situation with representatives there. It was within the rights of Henlein to demand autonomy because it was not against the Czech State. On the contrary the Czech State was composed largely of minority groups. The Carpathian Ukranians asked for autonomy and they were granted that autonomy; the Slovaks asked for autonomy and were granted it, by reason of the Spitzberger agreement.

Q And was the march of Nazi troops into the whole of Czechoslovakia another autonomist gesture on the part of Henlein and you of the SS?

A One first distinguished between two phases. One phase, 1938, the founding of the Protectorate Bohemia and Moravia. This first phase was not a gesture made by the SS but as far as I know from the press, and I know nothing else, it was made by reason of an agreement between the four foreign ministers - Chamberlain, Daladier, Mussolini and Hacha. The second phase is the occupation of the protectorate territory in 1939 which as far

H1067 - 0016

as I know, and I here too am informed only through the press, was based on the desire expressed by the President of the Czech State, Hacha, to Hitler to send in his troops for the protection of the Protectorate or the Czech State.

Q You don't seriously believe that, witness, do you? You don't seriously invite the Commissioner here to think that you believed that seriously?

A I have been called here as a witness, I have given my oath, I am a German officer. If my testimony is not believed you need not question me.

M. MARTIN-HAVAD: The witness is requested to speak slowly and correctly and answer the questions placed to him. If any remarks are made here the Commissioner will make them.

A Then my answer is Yes, that is what I believed and that is what I say here and I shall keep to this, my answer.

Q You know that there were 4 SS Totenkopf Battalions working from inside Czechoslovakia as early as September 1938, don't you?

A No, I didn't know that.

Q They were working in the Asch Promontory?

A I do not know.

Q What is the relation between your Volksdeutsche Mittelstelle and the organization and placing of those SS troops?

A None at all.

Q Lorenz was the head of the VDMS wasn't he?

A Yes.

Q And he was present at the meeting between Hitler and Henlein in March 1938 at which Henlein was told what line the Sudetan German Party was to follow?

H1067 - 0017

A I don't know this. I already testified that Lorenz had been given a special mission by Hitler but not as a member of the VDMS and that none of the members of the VDMS had anything to do with this affair.

Q Well do you know that when the German Foreign Office in August 1938 awarded further subsidies to Henlein's Sudetan Party the memorandum of the recommendation for further subsidies contained the footnote VDMS will be informed? I am referring to the extract on page 1867 of the transcript.

A This was necessary because, as I already testified, the VDMS supervised the foreign exchange budget and if any transfer of foreign exchange took place from this fund, the VDMS had to be informed.

Q You were financing Henlein, weren't you? That is what it comes to.

A No we did not. We were solely informed that a foreign exchange transfer had been made from the funds of the Reichs Bank that had been placed there for the purposes of German Racial policy abroad and we had to be informed about how much this fund had been reduced. We were not informed about the purpose of the transfer, just as to the extent.

Q Let me understand this. VDMS had an account at the Reichs Bank didn't it?

A No.

Q How did the financing of fifth column activities operate then?

A I do not know what Mr. Prosecutor means by Fifth column activities. We only financed minorities.

Q I won't argue with you about that. How did these monies to Henlein go out? Through what agency were they sent to Henlein?

A I said in my testimony that I do not know whether any money at all was given to the State and German Party but if any money WAS given the way

H1067 - 0018

was as follows: The same thing applied here as in every other country. There first had to be an estimate of the budget necessary for the fiscal year submitted to the Ministry of Finance of the respective country, in this case the Ministry of Finance of Czechoslovakia. The Ministry of Finance then checked the amount that had been demanded, made certain cancellations, and then placed a certain sum at the disposal, within the scope of which payments could be made. This budget which had been approved by the Ministry of Finance was then sent to the VDMS by way of the minorities. Listings were made of the different items asked for different purposes, for example catholicism, for protestantism, which was represented by the Gustav-Adolph Organization, and different purposes. The VDMS then asked the organizations or offices listed in this list to place the sums mentioned in the different items in Reichsmarks at their disposal. This collected sum of Reichsmarks was then transferred directly either by the organizations or by the offices to the account of the Czech National Bank....

Q Are you suggesting that payments to the Henlein Sudetan Party went through the Czech National Bank?

A The normal payments, that is these payments that the VDMS could control, were handled in this fashion.

Q I am asking you are you suggesting that the payments to Henlein's Sudetan Party went through the Czech National Bank. You haven't answered my question.

A Those payments of which the VDMS knew went through the Czech National Bank. If any other parties gave money to Henlein the VDMS knew nothing of it and therefore I cannot say anything about those.

Q How much money did VDMS give to Henlein?

H1067 - 0019

A I already said that the VDMS did not transfer any money to Henlein because it could not do so. It had no budget for this purpose. I do not know how much money was given to the party through other channels. I have no way of knowing this, because, as I already said, after 1938 the Schule-verein Süd-Mark was the channel through which the payments were made.

Q What was your relation with the American Bund?

A I know of the American Bund only what I have read in the paper of Kuhn's penal prosecution.

Q How much money did you send to him?

A None at all. We carried on no transfers with minorities in America because we thought the Germans in North America were wealthy enough. The Power of the VDMS extended solely to Germanism in Europe, not in America. Moreover, the American Federal Bank documents would show how much money was transferred because any transfers that went through the Reichs Bank and the American Federal Bank would be by reason of agreement.

Q The VDMS, I suggest to you, was an essential part of the scheme of Hitler and Himmler for establishing German mastery over Europe and for reducing the subject peoples to a state of servitude to German Folkdom - isn't that right?

A I did not learn of this.

Q You never really read Himmler's speeches?

A No.

Q Have you ever heard of his speech at Posen to the SS leaders for instance?

A I never heard of this speech before I was placed on the witness stand. Here in the witness wing of the prison I learned that this speech of Himmler's was held to SS Gruppenfuehrers.

H1067 - 0020

Q By racial settlement what your organization meant was robbing people of their property and putting Germans to enjoy the fruits of other peoples' work. That is what resettlement was, wasn't it?

A I know nothing of a racial resettlement. I only know the mission that I was given in the VDMS and that mission was to bring back Germans from abroad to establish a clear frontier of nationalities and to preserve the peace by avoiding any possibilities of friction.

Q But you know perfectly well that Hitler proposed to extend the frontiers of Germany to the Crimea and ~~xxxxxxxxxxxx~~ to the Caucasus and one of the duties of your organization was to assist in expulsion of the unfortunate peoples of non-Germanic territories and plant SS men and their families in their place. That was your whole plan of colonization, wasn't it?

A I know nothing of a colonization plan to this effect that members of foreign race were to make way for members of the German race, especially SS men. In my sphere of work I saw that there was no such colonization planned because in our camps there were over half a million resettlers without our knowing where we were to take them.

Q What part did the SS play in the driving of the Polish people, for instance, out of their homes, so that that territory could be settled by Germans?

A I can only say that we of the VDMS, as a Superior Reichs Office, only handled questions of bringing back Germans but not with driving out or with the evacuation of Poles. I know from conversations, not official conversations but conversations in my office, of certain small evacuations ~~xx~~ ~~xxxxxx~~ of Poles but these were not carried through by the SS but immediately after the Polish Campaign by the Civil Administration, not by the SS.

H1067 - 0021

Q Lastly I want to ask you some questions about the relation of Himmler and the SS to the VDMS. Lorenz was an SS man, wasn't he?

A Yes.

Q And he was the head of the VDMS?

A Yes.

Q What was your position in the VDMS?

A I was legal adviser - lawyer.

Q You are a lawyer, are you?

A Yes.

Q You were an SS man, weren't you?

A I was one of those men who was given an honorary SS rank because I was a member of the Board of Directors of the German-Polish organization. Although I had worked in the VDMS since the beginning of 1937, this honorary rank of the SS was not given to me until the end of 1938.

Q And were the other functionaries of the VDMS given honorary rank in the SS?

A I already said that in the VDMS, Sector I -- I want to make this quite clear in order to avoid any misunderstanding-- Sector I is the sector that had nothing to do with resettlement questions. I should like to call the resettlement sector Sector 2. I already said that in Sector 1 in 1936 when the Bureau was established there were no members of the SS; in 1937 there were only Lorenz and his legal adviser; in 1938, the end of 1938, the six gentlemen became SS members - they were given SS honorary ranks. Those who came later, there were about 15 gentlemen and 10 ladies, were not given any SS rank.

Q I suggest to you that the key men of the VDMS organization were members of the SS.

H1067 - 0022

A Yes, Lorenz was an SS member but he was not subordinate to Himmler but to Hitler.

Q But you know quite well, don't you, that Himmler was given, by an enactment of the Fuehrer, the responsibility for Racial Resettlement and Racial problems?

A I have already said that I know nothing of racial resettlement, only of the resettlement of Germans, and this mission was not given to Himmler in his capacity as Fuehrer of the SS but a state office was founded that called itself Festigung Deutschen Volkstums (For the strengthening of Germanism.) The appearance of a connection between the SS and the Reichs Commissar lies in the fact that in place of the original term Reichsfuehrer-SS instead of the name of Heydrich, Himmler's name had been placed.

Q And I suggest to you that Himmler was selected for that task because he was head of this SS organization which was trained and indoctrinated to persecute all races other than German and to enable Germans to enjoy the fruits of that bitter persecution.

A I don't believe so. I only learned of five or six instructions that Himmler issued in his capacity as Reichs Commissar for the Strengthening of Germanism to the VDMS and those questions solely concerned the carrying out of the resettlement of Germans according to the International Treaties. Himmler here acted in his capacity as a Superior Reichs Office for if he had acted in his capacity as SS-Fuehrer he would have made use of his SS offices. He would not have had to build up new State Offices but he would already have had organizations at his disposal which he could make use of - for example Wirtschaft und Verwaltungshauptamt (Economic and Administration Main Office and the Rasse and Siedlungshauptamt (Main Office for Racial

H1067 - 0023

and Resettlement Policy.)

Q How often was Lorenz seeing Himmler about these matters?

A As far as I know, Lorenz visited Himmler once a year between the years 1939 and 1943 when I was drafted for army service.

Q What part did your organization play in the extermination of the Jews?

A None at all.

Q You probably, in fact, never heard of the extermination until after the capitulation, did you?

A No.

Q You did not hear of the extermination at all until June of 1945, is that right?

A No. On the contrary, we even resettled full blooded Jews in our resettlement program if they wished to be resettled.

Q Did you think that Himmler's policy was to be kind to the Jews and to resettle them on fresh land?

A I believe that it was his policy to employ the Jews in a relationship that corresponded to the index of their population in Germany and to bring down or to lessen the big influence that they had had up to 1933 also in relationship to their population index.

Q I am not talking about Numerus Clausaus. I am talking about the murder of over six million Jewish human beings and you know perfectly well what I am talking about.

A Up to the end of the war I had not heard a single word concerning the murder of six million Jews.

Q Despite the fact that in your organization you had contacts throughout the world with Germans, you had contacts throughout Europe with organizations

H1067 - 0024

that we now know were directly connected with this terrible extermination?

A I never testified here that we had any direct relations to the Jews in our office but I personally had better relations, I had Jewish relatives. These Jewish relatives of mine emigrated in 1935 and 1936, I don't remember exactly, and no obstacles for their emigration was put in their way. A nephew of mine who is married to a full-blooded Jewess is a reporter in Rome and still is, without his ever having had any difficulties about his having been married to a Jewess.

Q You know none of these details can wipe away the fact that your organization of Nazis murdered six million of these people and you know it perfectly well.

A I am not speaking here of any Nazi organization but for the Volksdeutsche Mittelstelle. They had nothing to do with the SS and I really don't believe that the SS murdered six million Jews. Other people did this.

Q Are you saying that the VDMS was not even a Nazi organization?

A Since yesterday afternoon I have spoken of the fact that the VDMS was a Supreme Reichs Office and had nothing to do with Nazis.

MR. ELWYN-JONES. I have no further questions.

DR. ROBERT KEMPNER: I have a few short questions.

BY DR. KEMPNER:

Q Are you a lawyer?

A Yes.

Q When did you pass your examination?

A The assistant examination in 1937.

Q Do you know what perjury is?

A Yes, I know.

H1067 - 0025

Q Is there provision made in the German Legal Code that he who commits perjury will be punished?

A Yes.

Q What paragraph?

A Somewhere in the 300 brackets.

Q You do not know the number of the paragraph of the perjury code of the German Penal Code? I ask you whether you know the answer to my question - what is the number of the perjury paragraph in the German Penal Code?

A I have not practiced law since 1937. I have forgotten the exact number in the meantime.

DR. KEMPNER: That is all.

COLONEL POKROVSKY: I would like to ask the witness a few questions.

BY COLONEL POKROVSKY:

Q Have I understood ~~kx~~ you correctly when you said that you knew who Carl Hermann Frank was?

A Yes, Carl Hermann Frank was Minister of State for Bohemia and Moravia.

Q Was he one of the distinguished men of Germany?

A I did not know him personally.

Q Do you know what office he held?

A As I said, Secretary of State for Bohemia and Moravia.

Q Was that a high post in the German Reich?

A I do not know. I believe that he had to handle the questions of relationship of Germany to the Czech Government.

Q Do you know that by reason of Frank's position he was very well informed on Czech questions?

A That is possible but my office had nothing to do with this and I know nothing about it.

H1067 - 0026

Q Do you know ~~xxx~~ who Henlein was?

A Yes, Henlein was Gauletier of Gau Sudetan.

Q Do you know what Free Corps Henlein means?

A Yes, the Free Corps Henlein was an organization of Sudetan Germans to protect Sudetan Germans.

Q How was this protection to be carried out - with the help ~~xx~~ of arms or by peaceful settlement?

A I imagine that by reason of the name the Corps held "Free Corps" that they also carried arms but I know nothing in detail, I only know what I learned from the press.

Q Frank has said that a part of the Free Corps was armed. Do you know who gave these arms to the Free Corps?

A I do not know. Not from the VDMS.

Q ~~Xx~~ Do you believe that the Free Corps was presented these as a gift from someone, or as cultural inventory?

A I do not know. I already said that the VDMS only carried out money transfers.

Q Do you know that the Free Corps Henlein fulfilled Hitler's instructions to occupy Czechoslovakia that was carrying out an organized plan?

A I cannot give any information about this. Military authorities will have to testify on this.

Q I know myself who I am to interrogate on these questions but will you please answer my question yes or no -- do you know anything about it or not?

A No.

Q Jodl has testified that part of the members or officers of the Free Corps were officers of the SA and the SS. Do you, as a member of the SS, know anything about this?

H1067 - 0027

A I do not know anything about this because at that time I was not in the SS myself.

Q You held an honorary SS rank, didn't you?

A Yes.

Q Was this honorary SS rank considered a special reward or not?

A No.

Q Why did you receive an honorary SS rank, not being a member of the SS?

A I already said that I was a member of the Board of Directors of the German-Polish organization and it was customary at that time, when everybody wore uniforms, that the gentlemen of this association too should wear uniforms. Originally we were to be given the uniform of the Foreign Office at that time but this failed because the Foreign Office at the same time asked that the VDMS be amalgamated into the Foreign Office.

Q I want to hear testimony but no fairy tales. Do I understand you to say that the SS gave its uniforms only to those people who in reality did not want to be members of the SS, while the Foreign Office gave its uniforms only to those people who really wanted to become members of this office?

A The fact is that hardly any honorary SS leaders had ever applied for their rank or membership and the procedure was that some day or one day the director of the office would suddenly tell the man concerned - "You have been made an honorary member with the rank of Untersturmfuehrer" and so on and it was just as clear that if we ever left this office our rank, as well as our membership within the SS would have expired as did actually happen.

Q Were you a member of the SS?

A I was an honorary member of the SS. That is a different thing.

H1067 - 0028

Q You lost the right of being a member of the SS and of having this rank if you left your organization?

A Because I did not leave the office I retained my rank but I know one comrade who did leave and lost his rank and was dismissed from SS membership.

Q Just answer my questions, don't give me any observations you made. If you had left your office you would also have lost membership in the SS and had to give up your uniform?

A Yes.

Q Those members of the VDMS who were members of the SS wore the uniforms of the SS as far as they were employed by the ~~XX~~ VDMS, yes or no?

A No, they did not wear the uniform at all times. They only wore their uniform on representative occasions.

(A recess was taken until 1400 hours.)

H1067-0029

(THE COMMISSION CONVENED AT 1400 HOURS.)

COMMISSIONER MCILLWRAITH: Dr. Hoensel, what was the position of the commission when we adjourned for luncheon?

DR. HOENSEL: The Russian prosecution was going to cross examine for another half hour.

BY COLONEL POKROVSKY:

Q Witness, I would like you to answer me exactly concerning the question of the uniform of the SS. Is it correct, witness, that 800 members of the VDM wore SS uniforms?

A Yes.

Q Did I understand your answer correctly when you said that some members of the VDM wore SS uniforms so that they would not be sent to the front lines?

A That is not correct. The matter is as follows: This work Sector 2 was obliged, according to the German-Russian agreement to go into the Russian zone. Now, during the time that these men were in the east on these commissions, some of them were called into the German army. In order to prevent a constant change of members of the commission, the following was carried out. The men, working together with the Soviet Union, went through the local draft boards and through the local army administrators were drafted into the Waffen SS and then assigned to the VDM, which was under the command of the SS command. There has been a slight mistake in translation, the VDM was not under the SS high command, but it was the staff company, which was connected with the VDM and that was an SS military unit. When these men had finished their work and when they returned to Germany, they were handed over to the jurisdiction of the troops.

H1067 - 0030

Q Was the VDM a civilian organization?

A Yes, it was a higher Reichs office.

Q Of what military organization did you speak before and to what branch of the army were the troops?

A These 800 men were put under the jurisdiction of a civilian organization.

Q Under whose jurisdiction did they come?

A They came under the jurisdiction of the Higher German official group, the organization for the settlement of German Nationals, the VDM.

Q After they returned from the work to which they were assigned in the Russian territory, to what troop were they handed over?

A They were given to a replacement detachment of the Waffen SS.

Q What year was that?

A Beginning with 1940.

Q You must know that you are under oath. Why is it that you make wrong statements? You must know that in 1940 only volunteers were taken into the Waffen SS?

A I made a correct statement in this case. This is the way it was done with these men and I cannot make any other statement.

Q In other words, is it correct that these 800 men were volunteers to the SS, they were volunteers from the work of the VDM and they voluntarily joined the SS. Am I correct?

A We had to send certain German command groups to do this work since at that time there were only about fifteen members and a few women in the work. Section one provided that we could get these new members only through the

H1067-0031

so-called Notdienstverpflichteten or recruiting organizations, which were assigned to us by the employment office.

Q I want to state that the witness has made several contradictory statements now.

A May I continue with my answer of your question? These men were so called Notdienstverpiflichtetens or recruited workers, who were assigned to these commandos.

Q Am I correct in understanding that you said the military commandoes had to be sent to the Soviet Union in order to carry out this resettlement?

A No, it was not agreed to send a military group, but a uniform group and that is why these so-called Notdienstverpflichteten or recruited workers were put into the uniform of the SS, as it was agreed with the Soviet Union and in order to prevent that these men would be drafted during the time they were on duty with these commissions, the local home office had these men transferred into the Waffen SS and it was only after these men had returned from their work or returned home on a furlough that they had become members of the SS.

Q From the way you testified before this commission, it becomes evident that this whole group going into Russia were just a masquerade. Could you tell us what part of the agreement with the Soviet Union was concerned with military organizations? Can you tell me if there was such an agreement?

A I am sure that the Russian Prosecutor has a much better chance to look at the Soviet German resettlement agreement than I and in it he will

H1067 – 0032

see the paragraph that the resettlement from the Germans will be carried out by a uniformed group. I personally participated in such resettlement actions in uniform.

Q You are not here to give advice to the prosecutor, but you are here to answer questions. I ask you whether or not you have actually seen this agreement concerning this masquerade?

A Yes, I not only saw the agreement, but I also participated in the action.

Q In this masquerade, you mean?

A Yes, which was required by the Soviet Union.

Q Did the Soviet Union require this masquerade?

A Yes, I have been told by the General Maslenikov andColonel Zinizin. This was carried out because it was easier for the WDM.

Q I would like to find out, if according to the agreement, this resettlement was to be carried out by military groups or military commands, or if this was to be carried out by civilians in uniforms, or if it was just.supposed to be a masquerade?

A As I explained already, the percentage was very small, it was 14,000 to 800 and part of these men had become SS while they were at work on this commission.

Q I don't want to know the percentage of these men, all I want to know is whether they are a military group or not. Were these people volunteers or was it a military command group or was it not?

A No, these resettlements were purely a civilian project and were

H1067 - 0033

under the jurisdiction of the Reichscommissar for the strengthening of German Nationals.

Q Before you stated that when these people did return to Germany, they could not take their uniforms off any more?

A I stated that these groups were under the command of the Reichscommissar for strengthening of German Nationals, they were civilians and some of them were drafted into the SS while they were away. They did not do their duty with the VDM as soldiers, but in a civilian capacity.

Q I am not interested in any feats of black Magic, which you are attempting here. I want to know a straight answer whether these groups were military or civilians groups and whether the Government cheated and did it cheat the persons that were sent to the Soviet union, who found themselves members of a military organization when they returned, or did it cheat the Soviet Union by deceiving them into believing that this was a civilian unit?

A The Soviet Government could not be deceived because they requested a uniform group and they received a uniform group and the men could not have been deceived either because they were going into the military service anyway and by staying with these military groups, they only entered the military group later. They would have been drafted at any rate.

Q There is a rule in every country, saying that if a person or a member of a group wears a military uniform that person automatically is a soldier.

MR. MCILLWRAITH: Colonel Pokrovsky, do you think you are getting anywhere with these questions?

H1067 – 0034

COLONEL POKROWSKY: I believe that I can get something out of this question since it is the basis for a big argument.

Mr. Elwyn Jones was very much interested this morning in a question that interests me also, that is the relation between the VDM and the SS. The witness stated that the VDM had around 15,000 members and the witness stated that 800 of these were in SS uniforms and the fact is that two groups of SS troops were formed from these organizations. The commissioner remembers the signed affidavit of Karl Herman Frank and in this affidavit he testified the VDM delivered weapons to these group organizations. I would like to force the witness to give the correct answer, whether he made false statements to Mr. Elwyn Jones or he will have to tell the truth now. It is very easy to do that since we do have the proof.

MR. MCILLWRAITH: What is the question?

BY COLONEL POKROVSKY:

Q The question is: were these commandoes of the VDM SS men or were they VDM units? The question is to determine the relationship between the SS and the VDM.

A These units were civilian units and not SS formations, however, when they were out in the field they did wear the SS uniform without any rank designation. I have stated already they were all civilian formations and with the exception of the six gentlemen I mentioned this morning, who had honorary SS rank and these 800 men I talked of, they were not drafted. in a very short period, but were drafted over the period from 1940 until the end of the war. Since it was hard to recall them immediately from a

H1067 - 0035

foreign country, they were put in a so-called staff company which was then used by the VDM. It was merely a technical process. I want to complete my information. The staff company of 800 men was a group to which soldiers were commandeered.

MR. MCILLWRAITH: Can you frame your questions so that the witness can answer "yes" or "no"?

COLONEL POKROVSKY: I can do that very easily.

BY COLONEL POKROVSKY:

Q Did these 800 men of the VDM wear SS uniforms?

A The SS uniform was worn without any rank designation with a tag on the sleeve, saying "resettlement command."

Q I did not ask you concerning the rank, I asked you if they wore the uniform?

A Part of the SS uniform is the rank designation.

Q Were there any special commands formed from this 800 men?

A No, they were within the entire zone.

Q Were they among the other members of the VDM?

A Yes, within the groups.

Q In other words these commandoes of the VDM consisted of men that wore the SS uniform and some men that did not wear the SS uniform?

A Yes.

Q The witness has stated that in 1940 some members of the VDM were drafted into the SS without volunteering or without any previous

H1067-0036

knowledge. I am satisfied with the statements of the witness. No further questions.

MR. MCILLWRAITH: Dr. Haensel do you have any further questions?

DR. HAENSEL: Only one.

REDIRECT EXAMINATION.

BY DR. HAENSEL:

Q The British prosecutor, Elwyn Jones, asked concerning the matter of the support payments carried out by the Foreign Ministry, Mr. Henlein, which was supposed to go through the VDM. I am presenting Document USA 96, which I believe covers the question by Mr. Jones. I would like to know if you are informed of the matter.

(WITNESS IS HANDED DOCUMENT USA 96.)

A I did not know anything about this Document, but I suppose that this was the basis of the questioning this morning as to what extent the BDM was connected with the transfer of men and from this Document I see it is a suggestion from within the foreign ministry to increase the monthly payments by five thousand five hundred marks. Paragraph 1 of this Document says the payments to the Bureau of Burger ~~xxx~~ from the 1st of August of this year be increased to five thousand five hundred marks monthly. From this statement, it is evident that this payment was not made by the VDM and from the foot note which is hand written, it says that the VDM was to be informed by the political bureau. It says the same thing as I said this morning, without seeing the Document, that the VDM was merely informed

H1067 - 0037

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by the Political Department of this matter, so that they would know that the currency which could be used for Czecho Slovakia would be smaller by five thousand five hundred marks.

DR. KEMPNER: I suggest that this answer be stricken from the record. This man is not an authority on foreign affairs and is not qualified to judge any document outside of the German Reich.

DR. HAENSEL: I object to that. I do say that the witness from his own experience can say, according to the foot-note on the Document, that the VDM was merely informed of the entire matter.

MR. MCILLWRAITH: I shall not have it stricken from the record, but the value of the answer will be considered by the Tribunal.

DR. HAENSEL: No further questions.

MR. MCILLWRAITH: The witness may retire.
(1500 HOURS.)
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The foregoing is a true and correct transcript of the testimony of HANS JOCHEN KUBITZ taken on 2 July, 1946.

Pilani A. Abuna
REPORTER (P 1-12

Mabel A. Lesser
REPORTER (P 13-27

Meehan
REPORTER (P 28-36

CERTIFIED TO:

Martin-Havard
Commissioner

McIlwraith
Commissioner.

36

H1067 - 0038

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

2 July 1946.

COMMISSIONER:

M. Martin-Havard Armand

THE S.S.

(THE COMMISSION CONVENED AT 1020 HOURS.)

Hans J. Kubitz, a witness, took the stand and testified as follows:

M. MARTIN HAVARD: You are reminded that you are still under oath.

DR. HOENSEL: For the sake of the translation, counsel asks that the words Volksdeutsche Mittelstelle meaning "Office for the Repatriation and Welfare of Racial Germany" not be translated into English, but be used in the original form. Counsel further states that the translation used so far, namely "Office for Racial Germans", is incorrect. Counsel wants to suggest that the word be translated as "Agency for Funds of Racial Minorities.

M. MARTIN HAVARD: It is not within my power to judge what it is.

MR. ELWYN JONES: I have no objection to the continued use of the phrase "Volksdeutsche Mittelstelle."

M. MARTIN HAVARD: Then we will proceed with the examination.

DIRECT EXAMINATION

BY DR. HOENSEL:

Q In the trial brief and in the Prosecution's speech in regard to the SS, it has been claimed that the Volksdeutsche Mittelstelle had a hand in the evacuation of Lorrainians. Is that correct?

A I already testified yesterday that the work of the Volksdeutsche Mittelstelle consisted of repatriation and resettlement of racial Germans in conjunction with the strengthening of Germanism, and I also said that neither the SS nor the Volksdeutsche Mittelstelle had anything to do with the evacuation of Alsatians and Lorrainians because they were not Germans. Alsace and Lorraine were administered by the so-called Chief of Civil Administration, which corresponded to the Gauleiters in Alsace de Buerbel.

I only learned, from a leader of the German Women's Association, that Buerbel was carrying out evacuation work inLorraine. My office then

handed over this material to the Office for the Strengthening of Germanism as being the competent office --that is, the office under Himmler. A conferen was held, as I later learned, in the middle of 1942, between Himmler and Buerbel. In this conference, Buerbel said that he was directly subordinate to the Fuehrer, and that Himmler did not have any right to interfere with his work as he was the Commissar for the Strengthening of Germanism.

Q Now, to another complex. The Russian Prosecutor has submitted a cppious document which I have not had an occasion to see in its entirety, USSR Document 60. I only received short extracts and photostats of this copious document. In this document it again alleges what Rudenko alleges in his Prosecution on 9 February, 1946, that as early as 1932 Hitler was supposed to have brought about the resettlement of Czechoslovakia, Siberia and Bohemia, and made use of the SS to carry it out. What do you know of this?

A I can say nothing about this. I can only say, that expressed in my terms, this is a very, very great exaggeration. In 1932 Hitler had not yet come into power, but at that time was still the leader of the German Opposition Movement. The Protectorate of Bohemia and Moravia was not established until 1938, to which organization this resettlement question referred, and this protectorate was established as a solution not by Hitler, but in a 4-powered conference. Aside from this, Siberia was in Russia in 1932, and Bohemia in Poland.

I cannot imagine that Hitler, who was at that time still trying to attain power in Germany would, at that time, make Poland, Czechoslovakia and Bohemia his enemies.

Q I don't want to refer to any of Hitler's objectives. We just want to refer to the SS.

A No, it just had something to do with this Volksdeutsche Mittelstelle.

Q According to the trial brief, the purpose of these measures seems to have been to bring hundreds of thousands of needy people, under the poorest conditions, to Germany. What was the condition of the camps that were under the Volksdeutsche Mittelstelle in Germany?

A Those Germans who had come to Germany by reason of state treaties that Germany had caused with other allied nations, especially Soviet Russia, were

H1067 – 0039

H1067 - 0040

placed in camps in Germany. Their number is around 1,000,000 people. These people were resettled and taken out of their original territories. The resettlement took place at a time when, on the whole, there had been no definite plans as yet as to where they were going to be resettled or how. It was only an imaginary idea at that time that they would be settled somewhere in the East or in the Reich. With the settlement question itself, the Volksdeutsche Mittelstelle had nothing to do. The Volksdeutsche Mittelstelle concerned itself only with the transportation of these people and placing them into camps.

I can say, however, that the conditions and the general feeling in the camps were very bad because the people saw that they were not going to be resettled, but would have to remain in the camp for years probably. I know that only about 300,000 of these people were placed as trustees of property that had an equivalent value of their own former property. The remainder were placed, by reason of the German war efforts, in industries, and still others had to work on the land.

QThat means that the Volksdeutsche Mittelstelle had little to do with making territories free where these people were going to be settled later on?

A We not only had little to do with it, we had nothing to do with it.

Q On the other hand you handled funds, for example, as an exchange. With the aid of which banks were you able to do this?

A I would first have to give a little explanation here. This was really the original sphere of work of the Volksdeutsche Mittelstelle, except, for example, in the European countries outside of Germany where the German minorities had formed themselves as an organization by reason of the Minorities Protectorate Treaties that had been made. These organizations were recognized in Hague and in Geneva, and these minority organizations were united under the organization of the Verband Deutscher Minontaeten.

Q Do you mean to say that handling questions of German minorities and any racial questions were not the work of the Volksdeutsche Mittelstelle?

A We had nothing to do with racial questions. The Volksdeutsche Mittelstelle was considered by us not from a biological viewpoint, but from a purely aesthetical viewpoint.... These German organizations concerned themselves primarily with questions of cultural and religious matters, and they applied to all institutions, organizations, and individualsin Germany

and abroad, in order to gather funds to pursue their activities in the cultural and religious questions. There were connections especially from the Southeastern states to the Southeastern organizations in Austria; in the Protestant circles there were further connnctions to the Gustaf-Adolf organization and also th the Volksdeutsche Mittelstelle; and as far as the Catholic circles were concerned, there were connections between the Catholic organizations for Catholicism abroad; for the industrialists, Mr. Topfer in Hamburg. There were especially strong connections with him in the Southeastern states from the Eastern Polish people to the Mennonites in America. These relations were the same as, for example, the Polish people abroad had to their country, or that the Czech minorities had to theirs. These relationships had existed for all these minorities since 1919, with the exception of the Sieben Buergen Saxonians, and with the minorities in the Southeast that had existed since the beginning of the 19th century.

M. MARTIN HAVARD: The witness is making such a long speech about the history of German minorities and we would like to come back to the issues of it.

BY DR. HOENSEL:

Q Among other things, General Rudenko said on 20 December 1945, that the High Command of the SS, the so-called Volksdeutsche Mittelstelle was a center for the fifth column. Will you please tell us whether theVolksdeutsche Mittelstelle carried out any National Socialist Propaganda with the minorities, or gave any instructions at all, especially as concerned political character?

A The sole task of the Volksdeutsche Mittelstelle was to control and check the funds that were sent from this organization to the minorities and vice versa. The Volksdeutsche Mittelstelle had absolutely no setup that would enable it to give political instructions.

The policy of the Volksdeutsche Mittelstellehad always been not to carry on any National Socialist Propaganda within the minorities. It was even forbidden to send any pamphlets or books to the minorities concerning this question that could not be brought abroad. Members of German minorities could not participate in any arrests by the National Socialist Foreign Workers. They were not even allowed to book members of the Party or its

H1067-0041

affiliated organizations, not even if their place of residence was within Germany.

The organization of these minorities were not allowed to have any names that were comparable to any other similar organizations in Germany. These members of German minorities were always likely to support the Governments of the countries in which they lived. They were not even allowed to become members of any so-called pseudo organization or to support them or they were not allowed to join, for instance, any such organizations as the Iron Cross in Rumania, the Pfeil Kreuzler in Hungary and the Danish National Socialist Organization in Denmark.

The sole task of the Volksdeutsche Mittelstelle was to see that funds were raised for minorities to further their purposes in cultural and religious work. These funds were to be handed to these minorities through the Reichsbank or the different banks of the different cities. The national banks of the different cities always had the possibility of checking the purposes for which these funds were required and for what purpose they were expended. If this exchange of funds was based on agreements between Germany and foreign cities, the foreign cities in their turn were able to send money to their minorities.

M. MARTIN HAVARD: The witness details his answers too much. All these details are not pertinent to the question.

BY DR. HOENSEL:

Q The Russian Prosecution alleged on the 9th of February that the

H1067-0042

H1067 - 0043

Volksdeutsche Mittelstelle had employed wandering teachers and sent them to the minorities, especially Hitler Youth members, in order to carry on national socialist propaganda there.

A. I can only say here that the Volksdeutsche Mittelstelle never carried on any propaganda in the German racial Group. The Volksdeutsche Mittelstelle sent no instructors or Hitler Youth members to the minority groups. As far as the indictment of the wanderint teachers is concerned I can only say that these were not teachers who wandered to Poland but this was an original Polish institution. In Poland there was only one school with trained teacher that taught the German language. There were as a consequence, insufficient numbers of teachers and therefore Poland had to endow and reinstate these teachers who went to teach in the different schools, and these teachers were called "wandering teachers".

Q. I shall now hand you a document, USA 95, of which the American Prosecution maintains, that it proves that the Volksdeutsche Mittelstelle had a hand in the preparation of the occupation of the Czechoslovakian State because at a meeting in March, 1938, 2 SS Oberfruppenfuehrers and Professor Haushofer were present as members of the Volksdeutsche Mittelstelle. My question to you now is, did they have anything to do with it?

A. The Volksdeutsche Mittelstelle as an office had nothing to do with the settlement of the Sudetan question. SS Obergruppenfuehrer Lorenz who is named here as the representative of the Volksdeutsche Mittelstelle told me when he showed me a picture of himself and Henlein, that he had been appointed by Hitler as the special liaison between Hitler and Frank and had been given a special mission by Hitler. Lorenz did not take along with him as assistant a member of the Volksdeutsche Mittelstelle but he did for this purpose, ask that an attache of the Foreign Office be given to him and that this man would be returned to the Foreign Office after this question had been settled. Professor Haushofer has never been a member of the Volksdeutsche Mittelstelle In this respect the record is incorrect and in Lorenz's case it would have been more correct if the record had read as follows:

Lorenz, SS Obergruppenfuehrer, special envoy or delegate of Hitler, and

H1067 - 0044

not, Lorenz, SS Obergruppenfuehrer, Volksdeutsche Mittelstelle.

Moreover, this document is stamped Top Secret Matter, and I can only say that the 6 members of the Volksdeutsche Mittelstelle learned just as little as members of other offices.

Q. I should now like to present two documents, USSR 268 and 270. In these documents, mention is made of Ward Price, the English journalist. Do you know whether Hitler instructed Lorenz to give Price an interview?

A. May I just look at the document a minute. I know nothing of this. This is just what I said before, that Lorenz as the deputy or envoy of Hitler had nothing to do with this. The Fuehrer imagined an interview with Ward Price. The Volksdeutsche Mittelstelle had nothing at all to do with this. It had no hand in it. Moreover, the document bears the stamp "Secret". I only remember that on the occasion of the Party Rally in 1938 I saw Hitler, Ward Price and Henlein sitting together with the British Ambassador at a table.

MR. ELWYN JONES: Mr. Commissioner, if the witness says he knows nothing about this, then it really is a waste of time that he should guess at the nature of the document.

BY DR. HOENSEL:

Q. You must be quite definite in your answer. You must be quite careful in saying whether you know or don't know the answer, and if you don't know, you must answer in the negative. Now, did the Volksdeutsche Mittelstelle give money to Henlein?

A. No, the Volksdeutsche Mittelstelle had no budget.

Q. Were any funds given to the Sudetan German Party through the channels of the Volksdeutsche Mittelstelle?

A. I don't remember that any money was passed through the channels of the Volksdeutsche Mittelstelle. It may be possible, however, that after 1938, when Austria had been annexed to Germany, that funds were handed over through the Schulverein Sued-Mark and transferred by this organization.

Q. Did the Volksdeutsche Mittelstell have anything to do with payments and funds, for example, received from the Foreign Office?

H1067 - 0045

A. I have already said that the Volksdeutsche Mittelstelle was able only to transfer money abroad through the Reichsbank, not through the Foreign Offic

Q. To what extent did the Volksdeutsche Mittelstelle receive any instructions from Himmler as the Reichsfuehrer SS?

A. By reason of a power given to Hess in 1936, the Volksdeutsche Mittelstelle had been founded as an organization directly subordinate to him. In 1937, the successor of the first director of the organization, Von Kursel, became SS Obergruppenfuehrer Lorenz. Lorenz was appointed by Hess because Lorenz was the Deputy of Ribbentrop in the Staff Ribbentrop. From there on Lorenz was directly subordinate to Hitler himself. By reason of this, Himmler could not be given any influence over Lorenz even if he had wanted to, because Lorenz was directly subordinate to Hitler.

In 1939 when the Reichs Commission for the strengthening of Germanism was founded, and Hitler became Reichs Commissioner, Himmler was able to make use of all state offices and organizations by reason of the Fuehrer decree of the 7th of October, 1939.

M. MARTIN-HAVARD: Dr. Hoensel, I believe that a simple answer would suffice. You are going too far into detail.

BY DR. HOENSEL:

Q. The Prosecution says that according to the National Socialist annual publication, the SS Fuehrer and SS men carried out the settlement work, and this, according to the publication, points to the fact that the SS and not the State became active within the scope of the Volksdeutsche Mittelstelle. The Prosecution is trying to burden the entire work of resettlement here on the SS. It was not, however, an SS task, but a state decree. Can you say anything concerning SS membership with the Racial Germans?

A. As I have already stated, the Volksdeutsche Mittelstelle was divided into two distinct parts. The first directly subordinate to Hitler, and the second that only concerned itself and handled questions of funds and money for cultural and church purposes.

In 1936 the first sector had no SS members at all. They were solely Lorenz and the legal administrator that he brought along with him when he came

H1067 - 0046

to the Volksdeutsche Mittelstelle who were members of the SS. The remaining 6 were not in. At the end of 1938 they were given honorary SS ranks according to the position that they had in the Volksdeutsche Mittelstelle because they were members of theexecutive bodies of different inter-state organizations, and as such, would have to wear, on social occasions, their uniforms.

Q. Will you please mention numbers, figures? How many of the employees were SS members?

A. The other sector, the resettlement sector that was later called Main Office, Volksdeutsche Mittelstelle, had a membership of around 14,000 people. Of these 14,000 people, 7,000 were women and members of the NSKK, the Nazi transportation organization. 7,000 wore SS uniforms, but were not members of the SS. They had to wear uniforms because by reason of the resettlement agreement, the resettlement work was supposed to be carried out by personnel in uniforms. As the wearing of police or Army uniforms was impossible during the state of war, an agreement was reached with the Soviet Union that these commandos should wear SS uniforms. There were about 200 people who had been members of the SS who were called to do work in this Commission. Some of these people who had been given the UK rank in Germany, that is, essential to war industry and not available for service at the front, were drafted into the Waffen SS and placed on the staff of the Main Office of the Volksdeutsche Mittelstelle and thus made available. Including the 200 I already mentioned, this circle would comprise about 800 people.

Q. What about the head of the organization with the different consultants? How many consultants and how many SS members?

A. In 1936, I already said, there were known, in 1937, only Lorenz and his legal administrator. In 1938, the remaining 6 consultants were given honorary SS ranks and the gentlemen who came later into this sector were not given any rank at all. They were not even accepted as members of the Party.

Q. My final question. Would you say then, that the Volksdeutsche Mittelstelle was active, or did its work within the scope of the Reichs Commissariat for the Strengthening of Germanism, considering that there were only few SS members?

H1067 - 0047

A. I should like to answer the question correctly, that the Volksdeutsche Mittelstelle is an organization concerning itself with certain spheres of work. For example, the transfer of funds for the culture and welfare of racial Germans, and that the office was not a part of an Hauptamt or a Main Office of the SS, but a Superior Reich Office and that, of the 14,000 members, only 800 members at the very most were SS members. Also, they carried out their work as members of an office within the scope of the authority of the State, and they were only connected with the resettlement when the authority of the State had been given.

The Volksdeutsche Mittelstelle had just as little to do with the SS where resettlement questions were concerned as the Luftwaffe had by reason of its personal connection with Goering under the 4-Years Plan that was under Goering's jurisdiction.

MR. ELWYN JONES: Mr. Commissioner, would it be convenient for you to grant a brief break for 15 minutes? I have a very important interview, but I shall be back in 15 minutes.

M. MARTIN-HAVARD: The Commission will recess for 20 minutes.

(A recess was taken.)

H1067-0048

CROSS EXAMINATION (Continued)

BY MR. ELWYN-JONES:

Q Witness, as I understand it, the Volksdeutsche Mittelstelle was concerned with matters of religion and culture and was also a sort of accounti office for the transfer of funds to Germans abroad. Is that right?

A The Volksdeutsche Mittelstelle itself did not concern itself with religious or cultural questions. It was, however, through it that the transfer of money to the minorities was being carried out in a certain priority that the important questions were given funds first and the less important in the right sequence and that the transfer of the money was properly carried out.

Q How many millions of marks did you transfer to German minorities abroad for the work that you were encouraging between the years 1933 and 1934?

A I cannot give any information as to the years 1933 to the end of 1936 because at that time the VDMS was not as yet in existence. From the founding of VDMS until the outbreak of war in 1939 the estimate of the annual figure transferred by the VDMS to the German Racial Groups lay between two and three million marks annually. The annual payments were not always the same every year but depended to a great extent on the sum of money that a foreign state was in its turn willing to transfer to its minorities in Germany. It was a sort of mutual exchange business. It would probably be right to say that most of the money went to Poland and with Poland there was always an exchange of opinion, a checking, and a discussion concerning how many German schools were being established in Poland, or how many Polish schools in Germany, how many churches, how many organizations, and so on, and usually the two amounts balanced one another.

Q You know that the German minorities in countries like Poland were one of the most sinister instruments of your Nazi Fifth Column technique, don't you?

A That is not known to me.

Q You don't know the activities of Henlein in Czechoslovakia for instance?

A I know that it was Henlein's duty to intercede for the members of his Party, which was the strongest Party, in the Czech State.

H1067-0049

A I know that Henlein demanded for his party and his adherents autonomy and that in relation to this question of autonomy Lord Runciman asked that he define his policy more closely, that Henlein went to England for this sole purpose and discussed the situation with representatives there. It was within the rights of Henlein to demand autonomy because it was not against the Czech State. On the contrary the Czech State was composed largely of minority groups. The Carpathian Ukranians asked for autonomy and they were granted that autonomy; the Slovaks asked for autonomy and were granted it, by reason of the Spitzberger agreement.

Q And was the march of Nazi troops into the whole of Czechoslovakia another autonomist gesture on the part of Henlein and you of the SS?

A One first distinguished between two phases. One phase, 1938, the founding of the Protectorate Bohemia and Moravia. This first phase was not a gesture made by the SS but as far as I know from the press, and I know nothing else, it was made by reason of an agreement between the four foreign ministers -- Chamberlain, Daladier, Mussolini and Hacha. The second phase is the occupation of protectorate territory in 1939 which as far as I know, and here too I am informed only through the press, was based on the desire expressed by the President of the Czech State, Hacha, to Hitler to send in his troops for the protection of the Protectorate or the Czech State.

Q You don't seriously believe that, witness, do you? You don't seriously invite the Commissioner here to think that you believed that serious

A I have been called here as a witness, I have given my oath, I am a German officer. If my testimony is not believed you need not question me.

M. MARTIN-HAVAD: The witness is requested to speak slowly and correctly and answer the questions placed to him. If any remarks are made here the Commissioner will make them.

A Then my answer is Yes, that is what I believed and that is what I say here and I shall keep to this, my answer.

Q You know that there were 4 SS Totenkopf Battalions working from inside Czechoslovakia as early as September 1938, don't you?

A No, I didn't know that.

Q They were working in the Asch Promontory?

H1067 - 0050

A I do not know.

Q What is the relation between your Volksdeutsche Mittelstelle and the organization and placing of those SS troops?

A None at all.

Q Lorenz was the head of the VDMS wasn't he?

A Yes.

Q And he was present at the meeting between Hitler and Henlein in March 1938 at which Henlein was told what line the Sudetan German Party was to follow

A I don't know this. I already testified that Lorenz had been given a special mission by Hitler but not as a member of the VDMS and that none of the members of the VDMS had anything to do with this affair.

Q Well do you know that when the German Foreign Office in August 1938 awarded further subsidies to Henlein's Sudeten Party the memorandum of the recommendation for further subsidies contained the footnote VDMS will be informed. I am referring to the extract on page 1867 of the transcript.

A This was necessary because, as I already testified, the VDMS supervised the foreign exchange budget and if any transfer of foreign exchange took place from this fund, the VDMS had to be informed.

Q You were financing Henlein, weren't you? That is what it comes to.

A No we did not. We were solely informed that a foreign exchange transfer had been made from the funds of the Reichs Bank that had been placed there for the purposes of German Racial policy abroad and we had to be informed about how much this fund had been reduced. We were not informed about the purpose of the transfer, just as to the extent.

Q Let me understand this. VDMS had an account at the Reichs Bank didn't it?

A No.

Q How did the financing of fifth column activities operate then?

A I do not know what Mr. Prosecutor means by Fifth column activities. We only financed minorities

Q I won't argue with you about that. How did these monies to Henlein go out? Through what agency were they sent to Henlein?

A I said in my testimony that I do not know whether any money at all

H1067-0051

was given to the State and German Party but if any money was given the way was as follows: The same thing applied here as in every other country. Therefirst had to be an estimate of the budget necessary for the fiscal year submitted to the Ministry of Finance of the respective country, in this case the Ministry of Finance of Czechoslovakia. The Ministry of Finance then checked the amount that had been demanded, made certain cancellations, and then placed a certainsum at the disposal, within the scope of which payments could be made. This budget which had been approved by the Ministry of Finance was then sent to the VDMS by way of the minorities. Listings were made of the different items asked for different purposes, for example catholicism, for protestantism, which was represented by the Gustav-Adolph Organization, and different purposes. The VDMS then asked the organizations or offices listed in this list to place the sums mentioned in the different items in Reichsmarks at their disposal. This collected sum of Reichsmarks was then transferred directly either by the organizations or by the offices to the account of the Czech National Bank.....

Q Are you suggesting that payments to the Henlein Sudetan Party went through the Czech National Bank?

A The normal payments, that is these payments that the VDMS could control, werehandled in this fashion.

Q I am asking you are you suggesting that the payments to Henlein's Sudetan Party went through the Czech National Bank. You haven't answered my question.

A Those payments of which the VDMS knew went through the Czech National Bank. If any other parties gave money to Henlein the VDMS knew nothing of it and therefore I cannot say anything about those.

Q How much money did VDMS give to Henlein?

A I already said that the VDMS did not transfer any money to Henlein because it could not do so. It had no budget for this purpose. I do not know how much money was given to the party through other channels. I have no way of knowing this, because, as I already said, after 1938 the Schulevorein Süd-Mark was the channel through which the payments were made.

Q What was your relation with the American Bund?

H1067-0052

A I know of the American Bund only what I have read in the paper of Kuhn's penal prosecution.

Q How much money did you send to him?

A None at all. We carried on no transfers with minorities in America because we thought the Germans in North America were wealthy enough. The Power of the VDMS extended solely to Germanism in Europe, not in America. Moreover, the American Federal Bank documents would show how much money was transferred because any transfers that went through the Reichs Bank and the American Federal Bank would be by reason of agreement.

Q The VDMS, I suggest to you, was an essential part of the scheme of Hitler and Himmler for establishing German mastery over Europe and for reducing the subject peoples to a state of servitude to German Folkdom -- isn' that right?

A I did not learn of this.

Q You never really read Himmler's speeches?

A No.

Q Have you ever heard of his speech at Posen to the SS leaders for instance?

A I never heard of this speech before I was placed on the witness stand. Here in the witness wing of the prison I learned that this speech of Himmler's was held to SS Gruppenfuehrers.

Q By racial settlement what your organization meant was robbing people of their property and putting Germans to enjoy the fruits of other peoples' work, That is what resettlement was, wasn't it?

A I know nothing of a racial resettlement. I only know the mission that I was given in the VDMS and that mission was to bring back Germans from abroad to establish a clear frontier of nationalities and to preserve the peace by avoiding any possibilities of friction.

Q But you know perfectly well that Hitler proposed to extend the frontiers of Germany to the Crimea and to the Caucasus and one of the duties of your organization was to assist in expulsion of the unfortunate peoples of non-Germanic territories and plant SS men and their families in their place. That was your whole plan of colonization, wasn't it?

A I know nothing of a colonization plan to this effect that members of foreign race were to make way for members of the German race, especially SS men. In my sphere of work I saw that there was no such colonization planned because in our camps there were over half a million resettlers without our knowing where we were to take them.

Q What part did the SS play in the driving of the Polish people, for instance, out of their homes, so that that territory could be settled by Germans?

A I can only say that we of the VDMS, as a Superior Reichs Office, only handled questions of bringing back Germans but not with driving out or with the evacuation of Poles. I know from conversations, not official conversations but conversations in my office, of certain small evacuations of Poles but these were not carried through by the SS but immediately after the Polish Campaign by the Civil Administration, not by the SS.

Q Lastly I want to ask you some questions about the relation of Himmler and the SS to the VDMS. Loronz was an SS man, wasn't he?

H1067-0054

A Yes.

Q And he was the head of the VDMS?

A Yes.

Q What was your position in the VDMS?

A I was legal adviser - lawyer.

Q You are a lawyer, are you?

A Yes.

Q You were an SS man, weren't you?

A I was one of those men who was given an honorary SS rank because I was a member of the Board of Directors of the German-Polish organization. Although I had worked in the VDMS since the beginning of 1937, this honorary rank of the SS was not given to me until the end of 1938.

Q And were the other functionaries of the VDMS given honorary rank in the SS?

A I already said that in the VDMS, Sector I -- I want to make this quite clear in order to avoid any misunderstanding -- Sector I is the sector that had nothing to do with resettlement questions. I should like to call the resettlement sector Sector 2. I already said that in Sector I in 1936 when the Bureau was established there were no members of the SS; in 1937 there were only Lorenz and his legal adviser; in 1938, the end of 1938, the six gentlemen became SS members - they were given SS honorary ranks. Those who came later, there were about 15 gentlemen and 10 ladies, were not given any SS rank.

Q I suggest to you that the key men of the VDMS organization were members of the SS.

A Yes, Lorenz was an SS member but he was not subordinate to Himmler but to Hitler.

Q But you know quite well, don't you, that Himmler was given, by an enactment of the Fuehrer, the responsibility for Racial Resettlement and Racial problems?

A I have already said that I know nothing of racial resettlement, only of the resettlement of Germans, and this mission

H1067-0055

was not given to Himmler in his capacity as Fuehrer of the SS but a state office was founded that called itself Festigung Deutschen Volkstums (For the strengthening of Germanism.) The appearance of a connection between the SS and the Reichs Commissar lies in the fact that in place of the original term Reichsfuehrer-SS instead of the name of Heydrich, Himmler's name had been placed.

Q And I suggest to you that Himmler was selected for that task because he was head of this SS organization which was trained and indoctrinated to persecute all races other than German and to enable Germans to enjoy the fruits of that bitter persecution.

A I don't believe so. I only learned of five or six instructions that Himmler issued in his capacity as Reichs Commissar for the Strengthening of Germanism to the VDMS and those questions solely concerned the carrying out of the resettlement of Germans according to the International Treaties. Himmler here acted in his capacity as a Superior Reichs Office for if he had acted in his capacity as SS-Fuehrer he would have made use of his SD offices. He would not have had to build up new State Offices but he would already have had organizations at his disposal which he could make use of - for example Wirtschaft und Verwaltungshauptamt (Economic and Administration Main Office and the Rasse and Siedlungshauptamt (Main Office for Racial and Resettlement Policy.)

Q How often was Lorenz seeing Himmler about these matters

A As far as I know, Lorenz visited Himmler once a year between the years 1939 and 1943 when I was drafted for army service.

Q What part did your organization play in the extermination of the Jews?

A None at all.

Q You probably, in fact, never heard of the extermination until after the capitulation, did you?

A No.

Q You did not hear of the extermination at all until June of 1945, is that right?

A No. On the contrary, we even resettled full blooded Jews in our resettlement program if they wished to be resettled.

Q Did you think that Himmler's policy was to be kind to the Jews and to resettle them on fresh land?

A I believe that it was his policy to employ the Jews in a relationship that corresponded to the index of their population in Germany and to bring down or to lessen the big influence that they had had up to 1933 also in relationship to their population index.

Q I am not talking about Numerus Clausaus. I am talking about the murder of over six million Jewish human beings and you know perfectly well what I am talking about.

A Up to the end of the war I had not heard a single word concerning the murder of six million Jews.

Q Despite the fact that in your organization you had contacts throughout the world with Germans, you had contacts throughout Europe with organizations that we now know were directly connected with this terrible extermination?

A I never testified here that we had any direct relations to the Jews in our office but I personally had better relations, I had Jewish relatives. These Jewish relatives of mine emigrated in 1935 and 1936, I don't remember exactly, and no obstacles for their emigration was put in their way. A nephew of mine who is married to a full-blooded Jewess is a reporter in Rome and still is, without his ever having had any difficulties about his having been married to a Jewess.

Q You know none of these details can wipe away the fact that your organization of Nazis murdered six million of these people and you know it perfectly well.

A I am not speaking here of any Nazi organization but for the Volksdeutsche Mittelstelle. They had nothing to do with

H1067-0057

the SS and I really don't believe that the SS murdered six million Jews. Other people did this.

Q Are you saying that the VDMS was not even a Nazi organization?

A Since yesterday afternoon I have spoken of the fact that the VDMS was a Supreme Reichs Office and had nothing to do with Nazis.

MR. ELWYN-JONES: I have no further questions.

DR. ROBERT KEMPNER: I have a few short question.

BY DR. KEMPNER:

Q Are you a lawyer?

A Yes.

Q When did you pass your examination?

A The assistant examination in 1937.

Q Do you know what perjury is?

A Yes, I know.

Q Is there provision made in the German Legal Code that he who commits perjury will be punished?

A Yes.

Q What paragraph?

A Somewhere in the 300 brackets.

Q You do not know the number of the paragraph of the perjury code of the German Penal Code? I ask you whether you know the answer to my question - what is the number of the perjury paragraph in the German Penal Code?

A I have not practiced law since 1937. I have forgotten the exact number in the meantime.

DR. KEMPNER: That is all.

COLONEL POKROVSKY: I would like to ask the witness a few questions.

BY COLONEL POKROVSKY:

Q Have I understood you correctly when you said that you know who Carl Hermann Frank was?

A Yes, Carl Hermann Frank was Minister of State for

Bohemia and Moravia.

Q Was he one of the distinguished men of Germany?

A I did not know him personally.

Q Do you know what office he held?

A As I said, Secretary of State for Bohemia and Moravia.

Q Was that a high post in the German Reich?

A I do not know. I believe that he had to handle the questions of relationship of Germany to the Czech Government.

Q Do you know that by reason of Frank's position he was very well informed on Czech questions?

A That is possible but my office had nothing to do with this and I know nothing about it.

H1067-0059

Q Do you know who Henlein was?

A Yes, Henlein was Gauleiter of Gau Sudeten.

Q Do you know what Free Corps Henlein means?

A Yes, the Free Corps Henlein was an organization of Sudeten Germans to protect Sudeten Germans.

Q How was this protection to be carried out - with the help of arms or by peaceful settlement?

A I imagine that by reason of the name the Corps held "Free Corps" that they also carried arms but I know nothing in detail; I only know what I learned from the press.

Q Frank has said that a part of the Free Corps was armed. Do you know who gave these arms to the Free Corps?

A I do not know. Not from the VDMS.

Q Do you believe that the Free Corps was presented these as a gift from someone, or as cultural inventory?

A I do not know. I already said that the VDMS only carried out money transfers.

Q Do you know that the Free Corps Henlein fulfilled Hitler's instructions to occupy Czechoslovakia that was carrying out an organized plan?

A I cannot give any information about this. Military authorities will have to testify on this.

Q I know myself who I am to interrogate on these questions but will you please answer my question yes or no -- do you know anything about it or not?

A No.

Q Jodl has testified that part of the members or officers of the Free Corps were officers of the SA and the SS. Do you, as a member of the SS, know anything about this?

A I do not know anything about this because at that time I was not in the SS myself.

Q You held an honorary SS rank, didn't you?

A Yes.

Q Was this honorary SS rank considered a special reward or not?

A No.

Q Why did you receive an honorary SS rank, not being a member of the SS?

A I already said that I was a member of the Board of Directors of the German-Polish organization and it was customary at that time, when everybody wore uniforms, that the gentlemen of this association too should wear uniforms. Originally we were to be given the uniform of the Foreign Office at that time but this failed because the Foreign Office at the same time asked that the VDMS be amalgamated into the Foreign Office.

Q I want to hear testimony but no fairy tales. Do I understand you to say that the SS gave its uniforms only to those people who in reality did not want to be members of the SS, while the Foreign Office gave its uniforms only to those people who really wanted to become members of this office?

A The fact is that hardly any honorary SS leaders had ever applied for their rank or membership and the procedure was that some day or one day the director of the office would suddenly tell the man concerned - "You have been made an honorary member with the rank of Untersturmfuehrer" and so on and it was just as clear that if we ever left this office our rank, as well as our membership within the SS would have expired as did actually happen.

Q Were you a member of the SS?

A I was an honorary member of the SS. That is a different thing.

Q You lost the right of being a member of the SS and of having this rank if you left your organization?

A Because I did not leave the office I retained my rank but I know one comrade who did leave and lost his rank and was dismissed from SS membership.

Q Just answer my questions, don't give me any observations you made. If you had left your office you would also have lost membership in the SS and had to give up your uniform?

A Yes.

Q Those members of the VDMS who were members of the SS wore the uniforms of the SS as far as they were employed by the VDMS, yes or no?

A No, they did not wear the uniform at all times. They only wore their uniform on representative occasions.

(A recess was taken until 1400 hours.)

H1067-0060

H1067-0061

(THE COMMISSION CONVENED AT 1400 HOURS.)

COMMISSIONER MCILLWRAITH: Dr. Hoensel, what was the position of the commission when we adjourned for luncheon?

DR. HOENSEL: The Russian prosecution was going to cross examine for another half hour.

BY COLONEL POKROVSKY:

Q Witness, I would like you to answer me exactly concerning the question of theuniform of the SS. Is it correct, witness, that 800 members of the VDM were SS uniforms?

A Yes.

Q Did I understand your answer correctly when you said that some members of the VDM were SS uniforms so that they would not be sent to the front line?

A That is not correct. The matter is as follows: This work Sector 2 was obliged, according to the German-Russian agreement to go into the Russian zone. Now, during the time that these men were in the east on these commissions, some of them were called into the German army. In order to prevent a constant change of members of the commission, the following was carried out. The men, working together with the Soviet Union, went through the local draft boards and through the local army administrators were drafted into the Waffen SS and then assigned to the VDM, which was under the command of the SS command. There has been a slight mistake in translation, the VDM was not under the SS high command, but it was the staff company, which was connected with the VDM and that was an SS military unit. When these men had finished their work and when they returned to Germany, they were handed over to the jurisdiction of the troops.

Q Was the VDM a civilian organization?

A Yes, it was a higher Reichs office.

Q Of what military organization did you speak before and to what branch of the army were the troops?

A These 800 men were put under the jurisdiction of a civilian organization.

Q Under whose jurisdiction did they come?

A They came under the jurisdiction of the Higher German official group, the organization for the settlement of German Nations, the VDM.

H1067-0062

Q After they returned from the work to which they were assigned in the Russian territory, to what troop were they handed over?

A They were given to a replacement detachment of the Waffen SS.

Q What year was that?

A Bevinning with 1940.

Q You must know that you are under oath. Why is it that you make wrong statements? You must know that in 1940 only volunteers were taken into the Waffen SS?

A I made a correct statement in this case. This is the way it was done with these men and I cannot make any other statement.

Q In other words, is it correct that these 800 men were volunteers to the SS, they were volunteers from the work of the VDM and they voluntarily joined the SS. Am I correct?

A We had to send certain German command groups to do this work since at that time there were only about fifteen members and a few women in the work. Section one provided that we could get these new members only through the so-called Notdienstverpflichteten or recruiting organizations, which were assigned to us by the employment office.

Q I want to state that the witness has made several contradictory statements now.

A May I continue with my answer of your question? These men were so called Notdienstverplflichtetens or recruited workers, who were assigned to these commandos.

Q Am I correct in understanding that yousaid the military commandos had to be sent to the Soviet Union in order to carry out this resettlement?

A No, it was not agreed to send a military group, but a uniform group and that is why these so-called Notdienstverpflichteten or recruited workers were put into the uniform of the SS, as it was agreed with the Soviet Union and in order to prevent that these men would be drafted during the time they were on duty with these commissions, the local home office had these men transferred into the Waffen SS and it was only after these men had returned from their work or returned home on a furlough that they had become members of the SS.

H1067-0063

Q From the way you testified before this commission, it becomes evident that this whole group going into Russia were just a masquerade. Could youtell us what part of the agreement with the Soviet Union was concerned with military organizations? Can you tell me if there was such an agreement?

A I am sure that the Russian Prosecutor has a much better chance to look at the Soviet German resettlement agreement than I and in it he will

H1067-0064

see the paragraph that the resettlement from the Germans will be carried out by a uniformed group. I personally participated in such resettlement actions in uniform.

Q You are not here to give advice to the Prosecutor, but you are here to answer questions. I ask you whether or not you have actually seen this agreement concerning this masquerade?

A Yes, I not only saw the agreement, but I also participated in the action.

Q In this masquerade, you mean?

A Yes, which was required by the Soviet Union.

Q Did the Soviet Union require this masquerade?

A Yes, I have been told by the General Maslennikov and Colonel Zinizin. This was carried out because it was easier for the VDH.

Q I would like to find out, if according to the agreement, this resettlement was to be carried out by military groups or military commands, or if this was to be carried out by the civilians in uniforms. or if it was just supposed to be a masquerade?

A As I explained already, the percentage was very small, it was 14,000 to 800 and part of these men had become SS while they were at work on this commission.

Q I don't want to know the percentage of these men, all I want to know is whether they are a military group or not. Were these people volunteers or was it a military command group or was it not?

A No, these resettlements were purely a civilian project and were under the jurisdiction of the Reichscommissar for the strengthening of German Nationals.

H1067-0065

Q Before you stated that when these people did return to Germany they could not take their uniforms off any more?

A I stated that these groups were under the command of the Reichscommissar for strengthening of German Nationals, they were civilians and some of them were drafted into the SS while they were away. They did not do their duty with the VDH as soldiers, but in a civilian capacity.

Q I am not interested in any feats of black Magic, which you are attempting here. I want to know a straight answer whether these groups were military or civilian groups and whether the Government cheated and did it cheat the persons that were sent to the Soviet union, who found themselves members of a military organization when they returned, or did it cheat the Soviet Union by deceiving them into believing that this was a civilian unit?

A The Soviet Government could not be deceived because they requested a uniform group and they received a uniform group and the men could not have been deceived either because they were going into the military service anyway and by staying with these military groups, they only entered the military group later. They would have been drafted at any rate.

Q There is a rule in every country, saying that if a person or a member of a group wears a military uniform that person automatically is a soldier.

MR. MCILLWRAITH : Colonel Pokrovsky, do you think you are getting anywhere with these questions?

COLONEL POKROVSKY : I believe that I can get something out of this question since it is the basis for a big argument.

Mr Elwyn Jones was very much interested this morning in a question that interests me also, that is the relation between the VDH and the SS. The witness stated that the VDH had around 15,000 members and the witness stated that 800 of these were in

H1067-0066

SS uniforms and the fact is that two groups of SS troops were formed from these organizations. The commissioner remembers the signed affidavit of Karl Herman Frank and in this affidavit he testified the VDM delivered weapons to these group organizations. I would like to force the witness to give the correct answer, whether he made false statements to Mr. Elwyn Jones or he will have to tell the truth now. It is very easy to do that since we do have the proof.

MR. MCILLWRAITH : What is the question?

BY COLONEL POKROVSKY :

Q The question is : Were these commandoes of the VDM SS men or were the VDM units? The question is to determine the relationship between the SS and the VDM.

A These units were civilian units and not SS formations, however, when they were out in the field they did wear the SS uniform without any rank designation. I have stated already they were all civilian formations and with the exception of the six gentlemen I mentioned this morning, who had honorary SS rank and these 800 men I talked of, they were not drafted in a very short period, but were drafted over the period from 1940 until the end of the war. Since it was hard to recall them immediately from a foreign country, they were put in a so-called staff company which was then used by the VDM. It was merely a technical process. I want to complete my information. The staff company of 800 men was a group to which soldiers were commandeered.

MR. MCILLWRAITH : Can you frame your questions so that the witness can answer "yes" or "no"?

COLONEL POKROVSKY : I can do that very easily.

BY COLONEL POKROVSKY :

Q Did these 800 men of the VDM wear SS uniforms?

A The SS uniform was worn without any rank designation with a tag on the sleeve, saying "Resettlement command".

Q I did not ask you concerning the rank, I asked you if they were the uniform?

A Part of the SS uniform is the rank designation.

Q Were there any special commands formed from these 800 men?

A No, they were within the entire zone.

Q Were they among the other members of the VDH?

A Yes, within the groups.

Q In other words these commandoes of the VDH consisted of men that wore the SS uniform and some men that did not wear the SS uniform?

A Yes.

Q The witness has stated that in 1940 some members of the VDH were drafted into the SS without volunteering or without any previous

knowledge. I am satisfied with the statements of the witness. No further questions.

MR. MCILLWRAITH: Dr. Haensel do you have any further questions ?

DR. HAENSEL: Only one.

REDIRECT EXAMINATION

BY DR, HAENSEL:

Q. The British prosecutor, Elwyn Jones, asked concerning the matter of the support payments carried out by the Foreign Ministry, Mr. Benlein, which was supposed to go through the VDM. I am presenting Document USA 96 which I believe covers the question by Mr. Jones. I would like to know if you are informed of the matter.

(Witness is handed document USA 96)

A. I did not know anything about this Document, but I suppose that this was the basis of the questioning this morning as to what extent the BDM was connected with the transfer of men and from this Document I see it is a suggestion from within the foreign ministry to increase the monthly payments by five thousand five hundred marks. Paragraph 1 of this Document says the payments to the Bureau of Burger from the 1st of August of this year be increased to five thousand five hundred marks monthly. From this statement, it is evident that this payment was not made by the VDM and from the foot note which is hand written, it says that the VDM was to be informed by the political bureau. It says the same thing as I said this morning, without seeing the Document, that the VDM was merely informed by the political Department of this matter, so that they would know that the currency which could be used for Czecho Slovakia would be smaller by five thousand five hundred marks.

DR. KEMPNER: I suggest that this answer be stricken from the record. This man is not an authority on foreign affairs and is not qualified to judge any document outside of the German Reich.

DR. HAENSEL: I object to that. I do say that the witness from his own experience can say, according to the foot-note on the Document, that

H1067-0068

H1067-0069

the VDM was merely informed of the entire matter.

MR. MCILLWRAITH: I shall not have it stricken from the record, but the value of the answer will be considered by the Tribunal.

DR. HAENSEL: No further questions.

MR. MCILLWRAITH: The witness may retire.

(1500 Hours)

The foregoing is a true and correct transcript of the testimony of HANS JOCHEN KUBITZ taken on 2 July 1946.

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